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Attorneys for Plaintiff HP Tuners, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HP TUNERS, LLC, a Nevada limited liability
company,

Plaintiff,

vs.

KENNETH CANNATA,

Defendant.

Case No. 3:18-cv-00527-LRH-WGC

**DECLARATION OF ANDREW P.
BLEIMAN, ESQ. PURSUANT TO N.R.S.
§31.020 IN SUPPORT OF PLAINTIFF'S
MOTION FOR PREJUDGMENT WRIT
OF ATTACHMENT**

I, Andrew P. Bleiman, Esq., of full age and competency, do hereby certify and say as follows:

1. I am of legal age, have personal knowledge of the facts provided herein and, if called as a witness, could and would testify competently to those facts.

2. I am a partner with the law firm Marks & Klein, LLP, and lead counsel to HP Tuners, LLC ("HP Tuners" or "Plaintiff"). I am a licensed attorney in the State of Illinois and have remained in good standing with the Illinois bar since 1998. I am admitted to practice in

1 Nevada in this matter on a *pro hac vice* basis.

2 3. HPT has set forth a valid claim for relief herein, and such claim is comprised of
 3 causes of action against the Defendant, Kenneth Cannata (“Cannata”) for: (i) breach of fiduciary
 4 duty; (ii) fraud; (iii) violation of the Computer Fraud and Abuse Act, 18 U.S.C. §1030; (iv)
 5 violation of the Defend Trade Secrets Act, 18 U.S.C. §1836 *et seq.*; (v) violation of the Copyright
 6 Act, 17 U.S.C. § 1201(a)(1)(A); (vi) misappropriation of trade secrets arising under the Nevada
 7 Uniform Trade Secrets Act, N.R.S. Chapter 600A; (vii) violation of the Illinois Trade Secrets Act,
 8 765 ILCS 1065/1 *et seq.*; (viii) unfair competition under the Nevada Deceptive Trade Practices
 9 Act, NRS Chapter 598; (ix) unfair competition under the Illinois Consumer Fraud and
 10 Deceptive Business Practices Act, 815 ILCS 505/1 *et seq.*; (x) breach of contract; (xi) tortious
 11 interference with prospective economic relations; and (xii) conversion.

12 4. HPT believes it is entitled to recover money damages substantially in excess of
 13 \$6,800,000.00 from Defendant Cannata, in addition to exemplary and other statutory damages,
 14 and other relief.

15 5. The facts showing the existence for grounds for a prejudgment writ of attachment
 16 with notice to Defendant Cannata derived from his past conduct willfully deceiving HPT and
 17 transferring HPT’s property in violation of agreements, along with Defendant Cannata’s
 18 representations to the Court about his dire medical emergency and health condition which have
 19 left him significantly incapacitated, in need of full-time nursing care, and unable to speak or
 20 meaningfully participate in discovery in this case. (Dkts. 72-73).

21 6. The money and property which Plaintiff HPT seeks to attach is, upon information
 22 and belief, is as follows:

23 (a) \$6,800,000 which is held on account in various checking, savings, investment,
 24 brokerage and other accounts;

25 (b) Property commonly known as 16455 Bonnie Lane, Reno, Nevada 89511, APN 047-
 26 021-02, the value of which is approximately \$950,000.00 to the best of my knowledge, less any
 27 prior liens and encumbrances; and

1 (c) Property commonly known as 820 Piney Creek Road, Reno, Nevada 89511, APN
2 047-021-33, the value of which is approximately \$400,000.00 to the best of my knowledge, less
3 any prior liens and encumbrances.

4 7. Upon best information and belief, no money or property as to which attachment is
5 being sought is exempt from execution.

6 I declare under penalty of perjury under the laws of the United States of America the
7 foregoing is true and correct to the best of my knowledge.

8 Executed on December 1, 2020.

9 By: /s/ Andrew P. Bleiman
10 Andrew P. Bleiman
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CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b), I certify under penalty of perjury that I am an employee of LEE HIGH, LTD., 448 Ridge Street, Reno, Nevada 89501, and that on December 1, 2020, I served the DECLARATION OF ANDREW P. BLEIMAN, ESQ. PURSUANT TO N.R.S. §31.020 IN SUPPORT OF PLAINTIFF'S MOTION FOR PREJUDGMENT WRIT OF ATTACHMENT via the Court's Notice of Electronic Filing to all those persons listed on the United States District Court CM/ECF Confirmation Sheet.

DATED this 1st day of December, 2020.

/s/ Elizabeth Dendary, CP
ELIZABETH DENDARY, CP
Certified Paralegal